

DATE: September 13, 2011

TO: Barbara Ross, Deputy Director  
Department of Planning and Zoning

FROM: Nathan Randall, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2011-0057  
Administrative Review for Minor Amendment  
Site Use: Restaurant  
Applicant: Sawkett Corporation  
Location: 1905 Mount Vernon Avenue  
Zone: CL / Commercial Low

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**Request**

Special Use Permit #2011-0057 is a minor amendment request to increase the number of outdoor seats at the applicant's existing restaurant from 12 to 20 seats. No other changes to the operation are proposed and the business plans to continue serving Italian cuisine under the trade name of "La Strada."

**Background**

City Council first approved a restaurant, known as Los Amigos, at this site in 1986. An SUP amendment was approved in 2002 to add outdoor seating. Most recently, in 2008, staff administratively approved a change of ownership to the current applicant (SUP#2008-0009).

In late May, staff inspected the premises for compliance with SUP conditions of as a part of its routine inspection program and found that the applicant had 26 outdoor seats on the premises, which is not permitted under SUP#2008-0009. Staff required the applicant to remove the additional seating and apply for the current request. Staff has not received any complaints that would require staff to docket the Special Use Permit for public hearing.

**Parking**

Since the restaurant is located in the Mount Vernon Urban Overlay Zone, where up to 20 outdoor dining seats are exempt from parking requirements (Section 6-604(B)), the applicant is not required to provide additional parking spaces in connection with this request. In terms of the inside seats, the applicant currently maintains an agreement for the use of parking spaces at the Salvation Army one block away as required under prior SUP approval. Staff received an updated version of the contract last year which also accommodated parking for the applicant's neighboring restaurant at 1905 Mt. Vernon and resulted in the applicant agreeing to open La Strada no earlier than 4:30pm Monday-Friday and no earlier than 1:00pm on Sundays.

**Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Del Ray Citizens' Association was sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses that would require staff to docket the Special Use Permit for public hearing.

**Staff Action**

Staff does not object to the applicant's minor amendment request. The proposal for eight additional outdoor seats represents a small increase and one that is eligible for minor amendment approval pursuant to Sections 11-511(A)(2)(b)(ii) of the Zoning Ordinance because up to 20 outdoor dining seats are eligible for administrative approval under Section 11-513(M).

Staff has updated condition language for consistency with modern conditions of approval and to reflect the maximum number of indoor and outdoor seats permitted at the restaurant. In addition, staff has amended the hours of operation (Condition #3) to formalize the arrangement struck in March 2010 as part of the administrative approval (SUP#2010-0004) for his restaurant next-door at 1905 Mount Vernon Avenue and included in the in the applicant's most recent parking contract. At the time of the administrative approval, the applicant decided to re-allocate the parking spaces available to him at the Salvation Army during the day from La Strada to the new restaurant, since he is not open for lunch at La Strada during the week. The shared parking arrangement, which staff continues to support, has the effect that La Strada can open no earlier than 4:30pm Monday-Friday and 1:00pm on Sunday and still meet its parking requirement, since the Salvation Army closes at those times and its parking spaces only then become available to the applicant. If the applicant can secure additional parking spaces within 500 of the restaurant in the future, staff can approve an earlier opening hour.

Staff hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: September 13, 2011  
Action: Approved

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Barbara Ross, Deputy Director

Attachments: 1) Special Use Permit Conditions  
2) City Department Comments  
3) Statement of Consent

### CONDITIONS OF SPECIAL USE PERMIT #2011-0057

The applicant is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant or to any corporation in which the applicant has a controlling interest only. (P&Z) (SUP #1880)
2. **CONDITION AMENDED BY STAFF:** The maximum number of indoor seats at the restaurant shall be 65, consistent with prior SUP approval. The maximum number of outdoor seats at the restaurant shall be 20. ~~Outside dining facilities may be provided for no more than 12 persons within the driveway area. When outside dining facilities are provided:~~
  - ~~(a) litter shall be picked up as it is generated, and~~
  - ~~(b) the outside dining area shall be cleaned at the close of each day of operation.~~(P&Z) (SUP2002-0019)
3. **CONDITION AMENDED BY STAFF:** The hours during which the restaurant is open to the public shall be restricted to between ~~11:00 a.m.~~ 4:30pm and 10:00 p.m. ~~Sunday Monday~~ through Thursday, and between ~~11:00 a.m.~~ 4:30pm and 11:00 p.m. on Friday and, 11:00am and 11:00pm on Saturday, and 1:00pm and 10:00pm on Sunday, except that the outdoor dining area shall close no later than 10:00pm daily. ~~Hours of operation for the outdoor dining area shall be limited to between 11:00am and 10:00 p.m. daily.~~ The outdoor dining area shall be cleared of all diners by 10:00 p.m. and the area cleaned and washed by 10:30 p.m. The opening hour for the restaurant may be amended by staff to as early as 11:00am if the applicant can provide additional parking spaces consistent with Zoning Ordinance requirements during the additional hours of operation. (P&Z) (SUP2002-0019)
4. Food, beverages, or other material shall not be stored outside. (P&Z) (SUP #1880)
5. **CONDITION AMENDED BY STAFF:** ~~Trash and garbage shall be stored inside or in a dumpster.~~ Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP #1880)
6. Trash and garbage shall be collected daily or as needed when the business is open. (P&Z) (SUP #1880)

7. **CONDITION AMENDED BY STAFF:** Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day, and more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (T&ES) (SUP #1880)
8. All exterior signs and exterior architectural changes shall be reviewed by the Department of Planning and Zoning for compliance with the Mount Vernon Avenue Urban Design Guidelines. (P&Z) (SUP2002-0019)
9. Live entertainment shall be limited to the indoor dining facilities of the restaurant. (P&Z) (SUP2002-0019)
10. **CONDITION AMENDED BY STAFF:** For indoor seats, meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP2002-0019)
11. **CONDITION AMENDED BY STAFF:** No part of the outdoor dining operations, including employee traffic, shall not encroach upon the city right-of-way without the approval of an encroachment ordinance. (T&ES) (P&Z) (SUP2002-0019)
12. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES) (SUP#2008-0009)
13. **CONDITION AMENDED BY STAFF:** ~~Use of loudspeakers or musicians outside of the restaurant shall be prohibited.~~ All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2008-0009)
14. Exterior lighting shall be shielded to prevent glare onto nearby residential property. (T&ES) (SUP2002-0019)
15. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP2002-0019)
16. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP2002-0019)

17. **CONDITION DELETED BY STAFF:** ~~Applicant shall provide the City \$1000.00 for one Model SD-42 Bethesda trash can, contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of approval. Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation. (T&ES) (SUP#2008-0009)~~
18. The applicant shall maintain an arrangement for parking at the Salvation Army property as described in this report. (P&Z) (SUP2002-0019)
19. The applicant shall provide dumpster screening to the satisfaction of the Director of the Department of Planning and Zoning. (P&Z) (SUP2002-0019)
20. **CONDITION DELETED BY STAFF:** ~~The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES) (SUP#2008-0009)~~
21. **CONDITION ADDED BY STAFF:** The applicant ~~is to~~ shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and robbery readiness training for all employees. (Police) (SUP#2008-0009)
22. **CONDITION DELETED BY STAFF (See Condition #21):** ~~The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for all employees. (Police) (SUP#2008-0009)~~
23. **CONDITION AMENDED BY STAFF:** The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP#2008-0009)
24. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after ~~the use becomes operational approval~~ and shall docket the matter for consideration by the Planning Commission and City Council if: (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP#2008-0009)

25. **CONDITION ADDED BY STAFF:** The final design of outdoor dining tables, chairs, barriers, and other equipment shall be to the satisfaction of the Director of Planning & Zoning. The outdoor seating area shall not include advertising signage, including on umbrellas. (P&Z)
26. **CONDITION ADDED BY STAFF:** No food delivery service shall operate from the restaurant. (P&Z)
27. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)
28. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- R-1 **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-2 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z/**T&ES**)(SUP1880)
- R-3 Outdoor dining operations, including employee traffic, shall not encroach upon the city right-of-way. (T&ES)(SUP2002-00019)
- R-4 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES) (SUP2008-00009)
- R-5 **CONDITION AMENDED BY STAFF:** ~~Use of loudspeakers or musicians outside of the restaurant shall be prohibited. (T&ES)(SUP2008-00009)~~ All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-6 Exterior lighting shall be shielded to prevent glare onto nearby residential property. (T&ES)(SUP2008-00009)
- R-7 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)(SUP2002-00019)
- R-8 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)(SUP2002-00019)
- R-9 **CONDITION DELETED BY STAFF:** ~~The applicant shall obtain, at their expense, one Model SD-42 Bethesda Series Litter receptacle for installation on the adjacent public right of way. Contact T&ES (703/838-4318) for information. (T&ES)(SUP2002-00019)~~ Applicant shall provide the City \$1000.00 for one

~~Model SD-42 Bethesda trash can, contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of approval. Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation. (T&ES)~~

- R-10 The applicant shall maintain an arrangement for parking at the Salvation Army property as described in this report. (T&ES)(SUP2002-00019)
- R-11 **CONDITION DELETED BY STAFF(Replaced by Code Requirement):** The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext. 132. (T&ES)
- C-1 **AMENDED BY STAFF:** The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES)

**In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 519-3486, or via e-mail at [commercialrecycling@alexandriava.gov](mailto:commercialrecycling@alexandriava.gov), for information about completing this form.**

- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)

Code Enforcement:

- F-1 No Comment

Health Department:

- F-1 No Comment

Parks and Recreation:

- F-1 No Comment

Police Department:

- F-1 The Police Department has no objections to allow additional outdoor seating.



STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2011-0057. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1905 Mount Vernon Avenue.



Applicant - Signature

9-26-11  
Date

STEPHEN SCOTT

Applicant - Printed

9-26-11  
Date